HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.4302 of 2005

06-12-2005

Between:

A. Suryanarayana and others.

…Petitioner.

And

The Assistant Sugar Cane Commissioner,

Bobbili, Vizianagaram District and others.

…Respondents.

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ORDER :

This writ petition is filed by the petitioners seeking Writ of Mandamus declaring the action of the first respondent in not permitting the petitioners to crush the sugar cane crop raised by them in their own lands by their own crushers by using man power, as arbitrary, illegal and violative of Articles 14 and 19 of the Constitution of India and consequently direct the respondents not to interfere with the crushing activity of the petitioners.

At the time of hearing, it is represented on behalf of the respondents by the learned Government Pleader for Industries as well as the learned standing counsel for the third respondent company that unless valid licences are obtained by the petitioners for using the crushers either with power or without power, they are not entitled to crush the crop, which was even grown by them. Admittedly, the petitioners were not having the valid licences for using the crushers, therefore, they are not entitled for any relief. Further the season has already been over, therefore, the writ petition has become infructuous.

Heard the parties.

As admittedly the writ petitioners are not having valid licences, they are not entitled for the relief sought, but however, if the writ petitioners are interested to use their crushers, they can do so after obtaining valid licences from the Licensing authority by making an application for the issue of licence and on such applications being received, the Licensing authority is directed to consider and pass appropriate orders on merits, within a period of two weeks from the date of receipt of such applications.

The writ petition is accordingly disposed of at the admission stage.

(S.ANANDA REDDY,J)

06-12-2005

Msr.

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(Msr)